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R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-20 under 35 U.S.C. §102(e) as being anticipated by Prakasam (U.S. Pub. No. 2004/0268329; hereinafter Prakasam '329) is respectfully traversed and should be withdrawn.

The newly presented rejection of claims 21-24 under 35 U.S.C. §102(e) as being anticipated by Prakasam (U.S. Pub. No. 2004/0268329; hereinafter Prakasam '329) is respectfully traversed and should be withdrawn.

The earliest effective priority date of Prakasam '329 is May 28, 2003. In particular, Prakasam '329 has a filing date of July 23, 2004 (see Prakasam '329 at page 1, item (22)) and claims priority to U.S. Application Ser. No. 10/854,592, filed May 26, 2004 and Provision Application No. 60/474,080, filed May 28, 2003 (see Prakasam '329 at page 1, items 60 and 63). The present invention was conceived prior to May 28, 2003 (see paragraph no. 5 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131). Therefore, the earliest effective filing date of Prakasam is after the conception of the present invention.

The attached Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 and the associated Exhibits A-F provide evidence of the prior conception and diligence up to the filing date (i.e., July 22, 2003) of the present application (see paragraph nos. 5-13 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131). Specifically, the LSI Invention Disclosure Form, drawings and figures in Exhibit A clearly provide demonstrative evidence of the conception of the present invention. In particular, paragraph 5 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 specifically refers to the material in Exhibit A as showing the conception of the claimed invention. Furthermore, paragraph no. 7 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 states that there is a direct correspondence between the diagrams and figures in Exhibit A and the figures of the presently pending application. Specifically, FIGS. 2-5 of the present application correspond to the Diagrams #1 and #2 and Figures #3 and #4 on pages 5-9 of Exhibit A.

Furthermore, the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 further states that the pages 1-4 of the LSI Invention Disclosure Form in Exhibit A show an original document date which was before May 28, 2003. Paragraph no. 8 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 state that the material in Exhibit A was submitted to

LSI's legal department prior to May 28, 2003. The fact that the dates have been redacted does not alter the document's ability to evidence that the conception of the presently claimed invention occurred prior to May 28, 2003 (see MPEP §715.07 II ESTABLISHMENT OF DATES). Thus, the attached Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 and the associated Exhibits A-F provide evidence of (i) the conception of the present invention prior to the earliest effective date of the Prakasam '329 reference and (ii) diligence up to the filing date (i.e., July 22, 2003) of the present application (see paragraph nos. 5-13 of the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 and Exhibits A-F). Therefore, Prakasam '329 is not available as prior art against the claims. As such, the rejection does not appear to be sustainable should be withdrawn.

SHOWING UNDER 37 CFR §1.116

An affidavit or other evidence submitted after a final rejection may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented (37 CFR §1.116(e)). The attached Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 provides evidence of prior conception and diligence up to filing of the presently claimed invention and, therefore, antedates the presently cited reference. Therefore, the Declaration of Lowell L.

Winger and Eric C. Pearson under 37 CFR §1.131 is necessary to remove a ground of rejection.

The cited reference (i.e., Prakasam '329) was challenged in the previous response because Prakasam '329 is a Continuation-in-Part, which by definition includes new material with respect to the parent application, and the Office had neither alleged, nor established that the new material (i.e., FIG. 6B) cited in the rejection was entitled to a filing date earlier than the filing date of the Prakasam '329 reference (i.e., July 23, 2004). The final Office Action now presents arguments in support of the cited material of Prakasam '329 being entitled to an earlier filing date and again cites Prakasam '329 in a new ground of rejection presented for the first time in the final Office Action (see section 6 on page 5 of the final Office Action).

Since (i) the previous Office Action had not alleged, or established, that the parts of Prakasam '329 used in the previous rejection were entitled to an effective filing date which was earlier than the filing date of the present application and (ii) a new ground of rejection is presented in the final Office Action to which the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 is an appropriate response, the Declaration of Lowell L. Winger and Eric C. Pearson under 37 CFR §1.131 should be entered and the rejections withdrawn.

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Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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Dated: June 29, 2007

c/o Lloyd Sadler  
LSI Corporation

Docket No.: 03-0781 / 1496.00317